

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## ***RULES CLEARINGHOUSE***

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## **CLEARINGHOUSE RULE 99-036**

### **Comments**

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **1. Statutory Authority**

In a number of respects, the requirements and regulations of the rule that apply to “distance education” are, or at least appear to be, less rigorous than the requirements and regulations that apply to more traditional forms of education. Given the nature of “distance education,” the requirements and regulations concerning that type of education might arguably warrant more rigorous treatment. Because in many cases there is no apparent rationale for the disparity of treatment between “distance education” and traditional forms of education, the rule may be subject to challenge in this regard. For example, if there is no minimum instruction hour requirement applicable to “distance education,” why should such a requirement be applied to other forms of education? Or, why should an hourly requirement not apply to “distance education”?

#### **2. Form, Style and Placement in Administrative Code**

- a. In the context of the rule, it is not clear why s. RL 25.01 (7) is amended.
- b. In s. RL 25.025 (1) (a), it is inappropriate drafting style to strike the period and add “; or.” [See s. 1.03, Manual.]
- c. In s. RL 25.025 (2) (intro.), it is suggested that “under this subsection” be inserted after “program.”

d. In s. RL 25.035 (1) (intro.), it is suggested that “having completed” be deleted.

e. In s. RL 25.035 (2) (intro.), it is suggested that “under this subsection” be inserted following “program.”

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

The cross-references to applicable fair housing-related rules and laws in s. RL 25.03 (3) (L) should be compared to s. RL 25.035 (2) (e).

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The use of “attendance” in s. RL 25.025 (1) (a) should be reviewed in connection with its application to “distance education” programs. In general, the remainder of the rule should be reviewed in this regard.

b. In s. RL 25.06 (1) (e) (intro.), it is suggested that the semicolon be deleted and a separate sentence created. Also see s. RL 25.066 (6) (k) (intro.). It appears that “not” in the clause following the semicolon is mistakenly included.

c. Section RL 25.06 (1) (e) requires that a school seeking approval of a “distance education” course merely certify that it will do the listed requirements. There is no requirement that the department actually approve how this will be accomplished by the school or that the school indicate how it proposes to accomplish the requirements. Should the rule specify what a school must do to comply with the requirements?

d. In s. RL 25.066 (6) (d), what are the requirements for examinations for “distance education” courses?

e. In s. RL 25.07 (1), “cover” is vague.

f. In s. RL 25.075 (3), given the limitation to classroom education courses, what is the requirement for “distance education” continuing education programs?